

AZERBAIJAN (Tier 2 Watch List)

Azerbaijan is primarily a source and transit country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Women and some children from Azerbaijan are trafficked to Turkey and the United Arab Emirates (U.A.E.) for the purpose of sexual exploitation. Men and boys are trafficked to Russia for the purpose of forced labor. Men and women are also trafficked to Iran, Pakistan, the U.A.E., and India for purposes of sexual exploitation and forced labor. Azerbaijan serves as a transit country for victims from Uzbekistan, Kyrgyzstan, Kazakhstan, and Moldova trafficked to Turkey and the U.A.E. for sexual exploitation. The Azerbaijani exclave of Nakhchivan serves as a transit point for women trafficked to Turkey.

The Government of Azerbaijan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Azerbaijan is placed on Tier Two Watch List for its failure to provide evidence of increasing efforts to combat trafficking in persons, particularly efforts to investigate, prosecute and punish traffickers, to address complicity among law enforcement personnel, and to adequately identify and protect victims in Azerbaijan. Although the government-funded shelter housed an increased number of trafficking victims in 2007, Azerbaijan has yet to develop a much-needed mechanism to identify potential trafficking victims and refer them to safety and care. Poor treatment of trafficking victims in courtrooms continues to be a problem.

Recommendations for Azerbaijan: Immediately implement a national mechanism for identifying victims and referring them to service providers; increase law enforcement efforts to prosecute traffickers and ensure that they receive sufficient punishment to deter trafficking; conduct training to improve treatment of victims by law enforcement; and vigorously investigate and prosecute the complicity of law enforcement personnel in trafficking.

Prosecution

The Government of Azerbaijan's law enforcement efforts declined in 2007. Azerbaijan's 2005 Law on the Fight Against Trafficking in Persons prohibits trafficking for both sexual exploitation and forced labor, and prescribes five to 15 years' imprisonment, punishments which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as sexual assault. According to the government, it prosecuted 75 cases and convicted 85 trafficking offenders during the year. However, the government's data on prosecutions appear to conflate trafficking with prostitution and smuggling charges. Moreover, over half of the convicted traffickers received house arrest or delayed or suspended sentences. The remaining traffickers received imposed sentences of one to 10 years' imprisonment. According to most civil society groups in Azerbaijan, corruption and lack of training among low-level law enforcement impedes overall anti-trafficking efforts. Although some judges handed down sufficient sentences during the reporting period, the judiciary remains one of the weakest anti-trafficking actors in Azerbaijan, due to inadequate training and corruption.

In February 2008, the Cabinet of Ministers approved an order that requires all Azerbaijani law enforcement personnel to refer trafficking cases to the anti-trafficking unit. The government, however, has yet to vet members in its anti-trafficking unit for human rights violations, a recommendation since the 2005 Trafficking in Persons Report. Unconfirmed reports of low-level civil servants, local law

enforcement officers, and border guards accepting bribes to facilitate trafficking continued unabated. The government failed to vigorously investigate or take any official action to address trafficking-related corruption. The government provided no evidence of any further action taken in a September 2007 case involving the arrest of several airport officials for facilitating trafficking in persons.

Protection

The Government of Azerbaijan did not improve protections for trafficking victims in 2007. The government again failed to take concrete steps to develop or implement a national mechanism to identify trafficking victims and refer them to providers of protective services, a recommendation since 2005. Although it now regularly shares law enforcement data with some NGOs, the government has yet to make tangible improvements in relationships with the NGO community in Azerbaijan; lack of communication and cooperation hamper real reform in establishing an adequate protection program. Although the government reportedly identified over 100 victims in 2007, only 29 received care and assistance at the government's shelter. Local NGOs report that many victims, due to mistrust of law enforcement, prefer to seek shelter from friends or other NGOs that are viewed as more independent from the government. While the government shelter shares an agreement with a local hospital to provide medical services to victims, most medical staff members are ill-equipped to assist with their unique needs. Relocation assistance is limited, but victims received a one-time payment of \$40 from the government. According to the government, 11 victims also received compensation from traffickers as part of a victim restitution program.

Azerbaijan failed to protect victims in courtroom settings, as victims were subjected to verbal abuse and stigmatization by judges. Victims are often treated as criminals, and penalized solely for unlawful acts they committed as a direct result of being trafficked. In one documented case a judge insulted a victim both during and after the proceedings. As a result, few victims elect to testify against their traffickers.

Prevention

The government's anti-trafficking prevention efforts remained anemic during the reporting period. Despite the government's relatively significant resources, it has yet to allocate sufficient funding and priority to trafficking efforts in its national budget. It has failed to cooperate with NGOs in raising awareness about trafficking among potential trafficking victims in Azerbaijan. Although it opened a long-anticipated national anti-trafficking hotline, it lacks standard operating procedures and is understaffed, with insufficient salaries and technical problems. As of February 2008, its existence has not been publicized to the general public. Although the government appointed a national anti-trafficking coordinator in 2004, the individual is a known human rights violator, a problematic obstacle to it achieving a truly victim-centered approach to its anti-trafficking efforts.